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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yehuda Binder

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EXAMINER

HOANG, THAI D

ART UNIT

PAPER NUMBER

2667

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7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/552,564

Applicant(s)

BINDER, YEHUDA

Examiner

Thai D Hoang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 11/03/2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 and 37-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 16-34 and 37-49 is/are rejected.
- 7) ☒ Claim(s) 13-15 and 50-52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1.1 Claims 1, 7-8, 16-23, 26-30, 33-34, 37-38 and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata et al, US Patent No. 5,150,365 in view of Swartz et al, US Patent No. 6,330,244 B1, hereafter referred to as Hirata and Swartz respectively.

Regarding claims 1, 20, 27, 34 and 37-38, Hirata discloses a LAN communication system for coexistent base band and broadband signals; fig. 1. Hirata teaches that the LAN is a wired network comprising:

at least one electrical conducting line of a building having at least two conductors and operative to transport both base band and broadband signals; fig. 1; abstract; col. 1, line 59 - col. 2, line 20; (at least one electrically-conducting line within the building, said electrically-conducting line having at least two conductors and operative to transport data communication signals)

filtering units 5 coupled to the electrical conducting line; fig. 1 (at least two outlets, each operative for coupling to the electrically-conducting line)

branch circuit 7 and 8 coupled to electrical conducting line in order to communicates with the work station 9 and TV 10; fig. 1; abstract; col. 1, line 59 - col. 2,

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line 20 (at least one wired modem coupled to said electrically-conducting line, operative to communicate over said electrically-conducting line and furthermore operative for concurrently distributing a service other than the transport of data communication signals)

Hirata does not teach that the network comprises a non-wired segment. However, Swartz discloses a system for digital radio communication between a wireless LAN and a PBX. Swartz teaches that the system comprises a plurality of access points (fig. 1, elements 13 and 23; fig. 6 element 610, 614, 620), which inherently comprises wireless modems in order to communicate with Mobile units (12s and 22s) by radio frequency. The access points are coupled to a wired LAN network 16 and 26; see figs. 1 and 6s. It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt wireless LAN modem disclosed by Swartz into Hirata's system in order to improve services for users because it allows the users access to the LAN by either wired-line and wireless mode.

Regarding claims 7-8, 26, 33 and 44-45, Hirata teaches that the network transmits both data communication and TV concurrently over a cable TV.

Regarding claims 16 and 19, Hirata does not teach that the system comprises a module operative to coupling said wired segment to said non-wired segments. However, Swartz teaches that the system comprises the access points (13 and 23), which are coupled to LAN network (16, 26 wired segment) and mobile units (non-wired segment). It would have been obvious to one of ordinary skill in the art at the time the invention

was made to adapt wireless LAN modem disclosed by Swartz into Hirata's system for advantages cited above with respect to claim 1.

Regarding claims 17, 22, 29 and 35, Swartz teaches that the wireless modem 104 and a transmit/receive unit 105 are fully integrated in the access points to communicate with mobile units.

Regarding claims 18, 23, 30 and 36, Swartz does not explicitly disclose that the wireless modem partially integrated within one of the outlets. See *In re Larson*, 144 USPQ 347 (CCPA 1965). It would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate wireless modules disclosed by Swartz in order to simplify the hardware of the system.

Regarding claims 21 and 28, the network disclosed by Swartz inherently comprises the step of converting from a wired line protocol to a wireless protocol in order to ensure the communication between wire line and wireless mode.

1.2 Claims 2 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata et al, US Patent No. 5,150,365 in view of Swartz, US Patent No. 6,330,244, Dodds et al, US Patent No. 5,841,841 and further in view of publication "A Transmitting and Receiving Method for CDMA Communications Over Indoor Electrical Power Lines" published by Okazaki; hereafter referred to as Hirata, Swartz, Dodds and Okazaki respectively.

Regarding claims 2 and 39, Hirata teaches that the LAN services both base band and broadband signals; abstract; col. 1, line 59 - col. 2, line 20; Hirata does not teach the LAN transmits telephone service and power service. However, Dodd discloses a

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system that allows both voice and data signal transmit simultaneously in a cable 10; abstract, fig. 1; and Okazaki teaches a network including data signal transmitted in an electrical power network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method disclosed by Dodds and the method disclosed by Okazaki into the Hirata's system in order to reduce the cost of the network and manage the network easily since all of the services data, TV, telephone, and power are transmitted in only one electrical conducting line network.

1.3 Claims 3-4, 24, 31, and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata et al, US Patent No. 5,150,365 in view of Swartz, US Patent No. 6,330,244, and further in view of Dodds et al, US Patent No. 5,841,841, hereafter referred to as Hirata, Swartz, and Dodds respectively.

Regarding claims 3-4, 24, 31, and 40-41 both Hirata and Swartz do not teach that the electrical conducting lines is a telephone line and one of the outlets is a telephone outlet and the telephone line provides both telephony and data service concurrently. However, Dodds teaches that at the customer site, both voice and data signals are transmitted on the same telephone line; figure 1; abstract. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method disclosed by Dodds into the Hirata's system for a advantages cited above with respect to claim 2.

1.4 Claims 5-6, 25, 32 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata et al, US Patent No. 5,150,365 in view of Swartz, US Patent No. 6,330,244, and further in view of publication "A Transmitting and Receiving Method

for CDMA Communications Over Indoor Electrical Power Lines” published by Okazaki, hereafter referred to as Hirata, Swartz and Okazaki respectively.

Regarding claims 5-6, 25, 32, and 42 –43 both Hirata and Swartz do not teach that the electrical conducting lines is a power line and wherein at least one of said outlets is a power outlet, and the power line is operative to carrying both electrical power and data communications concurrently. However, Okazaki teaches that the network transmits both electric power and CDMA data signal concurrently over an indoor power lines network; abstract; part 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method disclosed by Okazaki into the Hirata’s system for advantages cited above with respect to claim 2.

1.5 Claims 9-12 and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata et al, US Patent No. 5,150,365 in view of Swartz, US Patent No. 6,330,244, and further in view of publication “Wireless LAN Technologies and Applications” published by Dastangoo, hereafter referred to as Hirata, Swartz and Dastangoo respectively.

Regarding to claims 9-12 and 46-49, both Hirata and Swartz do not explicitly teach that the non-wired segment is operative to communicating data by infrared light and RF transmission. However, Dastangoo suggests a wireless LAN which is operative to communicating data by infrared light and RF trasmission; abstract; part I and II. It would have been obvious to one of ordinary skill in the art at the time the invention was

made to combine the wireless LAN method disclosed by Dastangoo into the Hirata's system in order to adapt with conventional system used in the network.

Allowable Subject Matter

2. Claims 13-15 and 50-52 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Applicant's arguments with respect to claims 1-34 and 37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai D Hoang whose telephone number is (703) 305-3232. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Thai Hoang


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 1/22/08